



COMPETITIVE SOLICITATION – No. K727-RFQQ-2404

FOR

ADVISORY SERVICES FOR SPECIAL EDUCATION

INTRODUCTION

The Office of the Washington State Auditor (SAO) is issuing this Competitive Solicitation pursuant to RCW 39.26. Pursuant to this Competitive Solicitation, SAO intends to conduct a competitive procurement to award an Agency Contract for SAO to purchase Advisory Services estimated to be valued at less than \$150,000. Because it is estimated to be less than \$150,000, the agency will give preference in the award of the contract to the highest scored responsive and responsible bid from a small business (as defined in RCW 39.26.010(22)(a) or veteran-owned business within the top 20% of total bid scores, unless none of these businesses are responsible and responsive to this solicitation. If additional assistance with or actual performance of work is required contract may be amended to increase total compensation to allow for the additional work.

SAO is beginning a performance audit related to Special Education services. The Washington Legislature recently passed a bill that requires SAO to conduct an audit evaluating the prevalence of special education (SPED) related disabilities in public schools. The most recent of those bills (Substitute for House Bill 2180) was passed during the 2024 legislative session and requires the State Auditor to compare the prevalence of disabilities related to special education to the funding for evaluating students and providing them with services. This audit would help determine whether school districts are under-identifying students with certain types of SPED related disabilities and could identify recommendations to help reduce this from occurring. The contractor work for this audit is scheduled from October 2024 – November 2025. The audit objectives are:

1. Are there any disabilities that appear to be under-evaluated or under-served by Washington school districts and if so, what are the reasons why?
2. Does the provisions and funding districts receive for evaluating students and providing them with services reflect the need for those services based on the prevalence of disabilities in those districts?

SAO is seeking a contractor to provide advisory services related to these audit objectives as we conduct our audit work, including planning, conducting and reporting on the audit work. For example, the successful bidder would review audit conclusions and related deliverables and provide advice on accuracy, completeness, and potential impact of the audit conclusion and/or deliverable based on their subject matter expertise. Depending on the final audit workplan, we may also request the contractor to provide limited bodies of work related to reviewing eligibility decisions for individual student services.

Summary of possible contractor work (May not need assistance with all included items):

- Review of audit work and deliverables, such as the audit workplan, specific work conducted during the audit, preliminary and final audit results, and related presentations.
- Availability to answer questions or consult with the audit team
- As needed, participate in selected meetings with audited entities and other stakeholders
- As needed, participate in legislative and other presentations
- Depending on final audit workplan, assistance with or actual performance of work to review school district processes to identify students with SPED-related disabilities and determine eligibility for related services

The successful contractor would start work as soon as possible after the contract is finalized and would need to be available and able to respond quickly to requests throughout the audit.

This Competitive Solicitation is divided into six (6) sections:

- [Section 1](#) provides a summary table of relevant deadlines for responding to the Competitive Solicitation and identifies contact information for the Procurement Coordinator for this procurement.
- [Section 2](#) provides important information about the procurement that is designed to help interested bidders evaluate the potential opportunity, including the purpose of the procurement, the form of the resulting Contract, and potential contract sales.
- [Section 3](#) identifies how SAO will evaluate the bids.
- [Section 4](#) identifies how to prepare and submit a bid for this Competitive Solicitation, including detailed instructions regarding what to submit and how to submit your bid.
- [Section 5](#) details the applicable requirements to file a complaint, request a debrief conference, or file a protest regarding this Competitive Solicitation.
- [Section 6](#) provides information pertaining to doing business with the State of Washington, including SAO's efforts to enable Washington's small and diverse businesses to compete for and participate in state procurements for goods/services.

In addition, this Competitive Solicitation includes the following Exhibits:

- *Exhibit A – Required Bidder Information:* These exhibits identify information that bidders must provide to SAO to constitute a responsive bid. See Section 4, below.
 - Exhibit A-1 – Bidder's Certification

- Exhibit A-2 – Bidder’s Profile
- Exhibit B – Performance Requirements: This exhibit outlines the required specifications/qualifications for the services that are the subject of this Competitive Solicitation.
- Exhibit C – Bid Price: This exhibit provides the pricing information that bidders will complete as part of their bid and the price evaluation tool that the Procurement Coordinator will use to evaluate and compare bids.
- Exhibit D – Contract: This exhibit is a draft of the Contract that any successful bidder will execute with SAO.
- Exhibit E – Contract Issues List: This exhibit outlines the bidder’s issues, if any, and proposed resolution for bidders who have business concerns with the form of the Contract. Note, however, that SAO reserves the right not to modify the Contract and to award the Contract on the basis of a bidder’s willingness to agree to the Contract.
- Exhibit F – Diverse Business Inclusion Plan – Subcontractors - Required **only if** Bidder will be using subcontractors to perform the Contract: This exhibit outlines the inclusion plan for diverse business subcontractors pertaining to the Contract.

SECTION 1 – DEADLINES, QUESTIONS, PROCUREMENT COORDINATOR, AND MODIFICATION

This section identifies important deadlines for this Competitive Solicitation, where to direct questions regarding the Competitive Solicitation, and the process for potential amendments or modifications to the Competitive Solicitation.

1.1. **COMPETITIVE SOLICITATION DEADLINES.** The following table identifies important dates for this Competitive Solicitation:

COMPETITIVE SOLICITATION DEADLINES	
ITEM	DATE
Competitive Solicitation Posting Date:	July 19, 2024__
Pre-Bid Conference:	July 31, 2024, at 3:00 p.m. – 4:00 p.m. (Pacific Time) <i>Attend via Video Conference</i> Join the meeting now Meeting ID: 291 875 625 127 Passcode: 2Ximc3 Dial in by phone +1 253-372-2181,70102515# United States, Tacoma Find a local number Phone conference ID: 701 025 15#
Question &	Deadline for Submitting Questions: August 22, 2024__

COMPETITIVE SOLICITATION DEADLINES		
ITEM		DATE
Answer Period:	Anticipated Deadline for Answers	August 23, 2024
Deadline for Submitting Bids		August 29, 2024
Anticipated Interview/Demonstration Date(s)		September 18, 2024 – September 24, 2024
Anticipated Announcement of Apparent Successful Bidder:		September 27, 2024
Anticipated Contract Award:		October 11, 2024

- 1.2. **COMPETITIVE SOLICITATION QUESTIONS.** Questions or concerns regarding this Competitive Solicitation must be directed to the following Procurement Coordinator:

Procurement Coordinator	
Name:	Charleen A. Patten
Telephone:	564-999-0941
Email:	contractmanager@sao.wa.gov

Questions raised at the pre-bid conference and during the Q&A period will be answered and responses posted to Washington’s Electronic Business Solution (WEBS). The posted responses are anticipated to be weekly starting the week of the pre-bid conference. As used in this Competitive Solicitation, in evaluating bids, references to ‘the Procurement Coordinator,’ include agency personnel and/or third-party evaluation committees.

- 1.3. **COMPLAINTS, DEBRIEFS, & PROTESTS.** The Competitive Solicitation (and award of any Contract) is subject to complaints, debriefs, and protests as explained in Section 5, which may impact the dates set forth above.
- 1.4. **COMPETITIVE SOLICITATION – AMENDMENT & MODIFICATION.** SAO reserves the right to amend and modify this Competitive Solicitation. **Only bidders who have properly registered and downloaded the original Competitive Solicitation directly via the Washington Electronic Business Solution WEBS will receive notifications of amendments and other correspondence pertinent to this Competitive Solicitation.** Visit [WEBS](#) to register.

SECTION 2 – INFORMATION ABOUT THE PROCUREMENT

This section describes the purpose of the Competitive Solicitation and provides information about this procurement, including the potential scope of the opportunity.

- 2.1. **PURPOSE OF THE PROCUREMENT – AWARD A CONTRACT.** The purpose of this Competitive Solicitation is to receive competitive bids to evaluate and, as appropriate, award a Contract for SAO to procure advisory services as set forth herein. Pursuant to Washington’s Procurement Code for Goods and Services, RCW chap. 39.26, state agency purchases of goods and services must be based on a competitive solicitation process in which the Contract is awarded to the highest scored

responsive, responsible bidder. Preference may be given to a small business (as defined in RCW 39.26.010(22)(a) or veteran-owned business within the top 20% of total bid scores, unless none of these businesses are responsible and responsive to this solicitation

- 2.2. **CONTRACT.** The form of the Contract that will be awarded as a result of this Competitive Solicitation is attached as ***Exhibit D – Contract***.
- 2.3. **CONTRACT TERM.** As set forth in the attached Contract for this Competitive Solicitation, the contract term is 13 months. The Contract is subject to earlier termination.
- 2.4. **ESTIMATED CONTRACT VALUE.** The estimated contract is to be valued at less than \$150,000. Payment for services performed will be separated by Task Orders. SAO will issue Task Orders for specific segments of work identified in Exhibit A of the contract. The Contractor’s compensation for services rendered will be based on the schedule set forth in each Task Order and deliverables established in Exhibit A of the contract. The contract does not guarantee that any minimum hours of work will be required during the contract term. If additional assistance with or actual performance of work is required contract may be amended to increase total compensation to allow for the additional work.
- 2.5. **WASHINGTON STATE PROCUREMENT PRIORITIES & PREFERENCES.** SAO will apply the following Washington State procurement priorities and preferences to this Competitive Solicitation which, as set forth in Section 3.5, will impact the evaluation of bids for this Competitive Solicitation:
 - Executive Order 18-03: 50 points.

SECTION 3 – BID EVALUATION

This section identifies how bids for this Competitive Solicitation will be evaluated.

- 3.1. **OVERVIEW.** Bids for this Competitive Solicitation will be evaluated as described below.
 - Bidder responsiveness, performance requirements, price factors, and responsibility, will be evaluated based on the process described herein.
 - Any bidder whose bid is determined to be non-responsive will be rejected and will be notified of the reasons for this rejection.
 - The Procurement Coordinator reserves the right to: (1) Request clarification regarding any bid; (2) Waive any informality; (3) Reject any or all bids, or portions thereof; (4) Accept any portion of the bid unless the bidder stipulates all or nothing in their bid; (5) Cancel the Competitive Solicitation and, if desired, re-solicit bids; and/or (6) Negotiate with the highest scored responsive and responsible bidder(s) to determine if such bid can be improved from a small business (as defined in RCW 39.26.010(22)(a) or veteran-owned business within the top 20% of total bid scores, unless none of these businesses are responsible and responsive to this solicitation.
 - The following summary chart provides an overview of the process and evaluation criteria (which are further described below) to determine eligibility for a Contract award:

STEP	ITEM	POINTS
Bid Responsiveness		
1	Bid Responsiveness	Pass/Fail
Bid Evaluation		
2	Non-Cost Factors Exhibit B – Performance Requirements	900
3	Cost Factors Exhibit C – Bid Price	100
Total:		1000
State Procurement Priorities		
4	Executive Order 18-03	50
Total:		50
TOP-SCORED BIDDER(S) ADVANCE TO STEP 5		
Presentation Evaluation		
5	Demonstration/Interview	100
Responsible Bidder		
6	Bidder Responsibility Analysis	Pass/Fail
Contract Negotiations		
7	Contract Negotiations	N/A

- 3.2. **BID RESPONSIVENESS/RESPONSIBILITY (STEP 1).** Bids will be reviewed – on a pass/fail basis – to determine whether the bid is ‘responsive’ to this Competitive Solicitation. This means that the Procurement Coordinator will review each bid to determine whether the bid is complete – i.e., does the bid include each of the required bid submittals, are the submittals complete, signed, legible. The Procurement Coordinator reserves the right to determine whether a bid is responsive – i.e., to determine a bidder’s compliance with the requirements specified in this Competitive Solicitation and to waive informalities in a bid. An informality is an immaterial variation from the exact requirements of the Competitive Solicitation, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the goods or the quality, capability, or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial, to bidders.
- 3.3. **PERFORMANCE REQUIREMENTS EVALUATION (STEP 2).** The Procurement Coordinator will evaluate each bid to ensure that each bidder’s goods(s) and/or service(s) meet the specifications and/or performance requirements set forth in *Exhibit B – Performance Requirements*. The Procurement Coordinator reserves the right to request additional information or perform tests and measurements before selecting the Apparent Successful Bidder. A bidder’s failure to provide requested information within time specified may result in disqualification.

- 3.4. BID PRICING EVALUATION (STEP 3).** The Procurement Coordinator will evaluate bid pricing by reviewing and comparing the submitted bid prices provided in Exhibit C-Bid Price.
- 3.5. WASHINGTON STATE PROCUREMENT PRIORITIES & PREFERENCES (STEP 4).** The following Washington State procurement priorities and preferences apply to this Competitive Solicitation
- **PROCUREMENT PREFERENCE FOR EXECUTIVE ORDER 18-03** (Firms without Mandatory Individual Arbitration for Employees). Pursuant to RCW 39.26.160(3) (best value criteria) and consistent with [Executive Order 18-03 – Supporting Workers’ Rights to Effectively Address Workplace Violations](#) (dated June 12, 2018), bids will be evaluated for best value and bidders may obtain a bid preference in the amount of 50 evaluation points if bidder is able to certify, pursuant to **Exhibit A-1 – Bidder’s Certification**, that bidder does NOT require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.
- 3.6. PRESENTATION EVALUATION (STEP 5).** Up to three bidder(s) with the highest-scored bids within 100 points of the highest score, may be invited to demonstrate/interview with the evaluation committee. All key personnel will be required to participate in the demonstration/interview process. The Procurement Coordinator will contact the bidder(s) to schedule a date and time for demonstration/interview. Bidder(s) is/are encouraged to hold the date(s) indicated in Competitive Solicitation Section 1.1. The Procurement Coordinator will provide further instruction at the time of scheduling demonstrations/interviews. Prior points are not accumulative and will be reset to zero. There will be a maximum of 100 points awarded based on bidder’s demonstration/interview.
- 3.7. BIDDER RESPONSIBILITY ANALYSIS (STEP 6).** For responsive bids, the Procurement Coordinator must determine whether the bidder is a ‘responsible bidder.’ Accordingly, the Procurement Coordinator will make reasonable inquiry to determine bidder responsibility on a pass/fail basis. In determining bidder responsibility, the Procurement Coordinator will consider the following statutory elements:
- Bidder’s ability, capacity, and skill to perform the contract or provide the service required;
 - Bidder’s character, integrity, reputation, judgment, experience, and efficiency;
 - Bidder’s ability to perform the contract within the time specified;
 - Bidder’s performance quality pertaining to previous contracts or services;
 - Bidder’s compliance with laws relating to the contract or services;
 - Whether, within the three-year period immediately preceding the date of the Competitive Solicitation, bidder has been determined by a final and binding citation and notice of assessment issued by the Washington State Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW; and
 - Such other information as may be secured having a bearing on the decision to award the Contract.

See RCW 39.26.160(2)(a)-(g). In addition, the Procurement Coordinator may consider the following:

- Financial Information: The Procurement Coordinator may request financial statements, credit ratings, references, record of past performance, clarification of bidder's bid, on-site inspection of bidder's or subcontractor's facilities, or other information as necessary to determine bidder's capacity to perform and the enforceability of bidder's contractual commitments. Failure to respond to these requests may result in a bid being rejected as non-responsive.
- References: The Procurement Coordinator reserves the right to use references to confirm satisfactory customer service, performance, satisfaction with service/product, knowledge of products/service/industry and timeliness. Any negative or unsatisfactory reference can be reason for rejecting a bidder as non-responsible.

3.8. **CONTRACT NEGOTIATIONS (STEP 7).** SAO may negotiate with the highest scored responsive, responsible bidder to finalize the Contract and to determine if the bid may be improved. If, after a reasonable period of time, SAO, in its sole judgement, cannot reach agreement on acceptable Contract terms with such bidder, SAO may suspend negotiations and undertake negotiations with the next highest scored responsive, responsible bidder as determined by the evaluations.

3.9. **ANNOUNCEMENT OF APPARENT SUCCESSFUL BIDDER.** SAO will determine the Apparent Successful Bidder ("ASB"). The ASB will be the responsive and responsible bidder who best meets the Competitive Solicitation requirements and presents the best total value, including price, as calculated consistent with the instructions set forth in **Exhibit C – Bid Price**, and other factors as set forth in this Competitive Solicitation including any applicable state procurement priority or preference.

- ASB designation does not imply that the ASB will be issued a Contract award. Rather, this designation allows the awarding agency to perform further analysis and ask for additional documentation. The bidder must not construe ASB designation as an award, impending award, attempt to negotiate, etc. If a bidder acts or fails to act as a result of such notification or designation, it does so at its own risk and expense.
- Upon announcement of ASB(s), bidders may request a debrief conference as specified in Section 5.

3.10. **CONTRACT AWARD.** Subject to protests, if any, the awarding agency and the ASB will enter into a Contract as set forth in **Exhibit D – Contract**. An award is made and a contract formed by signature of the awarding agency and the awarded bidder on the Contract. Following the Contract award, all bidders registered in WEBS will receive a Notice of Award delivered to the bidder's email address provided in the bidder's profile in WEBS.

3.11. **BID INFORMATION AVAILABILITY.** Upon ASB announcement, all bid submissions and all bid evaluations are subject to public disclosure pursuant to Washington's Public Records Act. See RCW 39.26.030(2). Upon ASB announcement, all bid evaluations will be posted to WEBS.

SECTION 4 – HOW TO PREPARE AND SUBMIT A BID FOR THIS COMPETITIVE SOLICITATION

This section identifies how to prepare and submit your bid for this Competitive Solicitation. In addition, bidders will need to review and follow the Competitive Solicitation requirements including those set forth in the exhibits, which identifies the information that bidders must provide to the Procurement Coordinator to constitute a responsive bid. By responding to this Competitive Solicitation and submitting a bid, bidders acknowledge having read and understood the entire Competitive Solicitation and accept all information contained within this Competitive Solicitation.

- 4.1. **PRE-BID CONFERENCE.** The Procurement Coordinator will host a Competitive Solicitation pre-bid conference at the time set forth in Section 1.1 of this Competitive Solicitation. Attendance is not mandatory. Bidders, however, are encouraged to attend and participate. The purpose of the pre-bid conference is to clarify the Competitive Solicitation as needed and raise any issues or concerns that bidders may have. If changes to the Competitive Solicitation are required as a result of the pre-bid conference, the Procurement Coordinator will post an amendment to this Competitive Solicitation to WEBS. Assistance for disabled, blind, or hearing-impaired persons who wish to attend the pre-bid conference is available with prior arrangement by contacting the Procurement Coordinator.
- 4.2. **BIDDER COMMUNICATIONS REGARDING THIS COMPETITIVE SOLICITATION.** During the Competitive Solicitation process, all bidder communications regarding this Competitive Solicitation must be directed to the Procurement Coordinator specified in Section 1.2 of this Competitive Solicitation. Bidders should rely only on this Competitive Solicitation and written amendments to this Competitive Solicitation issued by the Procurement Coordinator. In no event will oral communications regarding this Competitive Solicitation be binding.
 - Bidders are encouraged to make any inquiry regarding the Competitive Solicitation as early in the process as possible to allow the Procurement Coordinator to consider and, if warranted, respond to the inquiry. If a bidder does not notify the Procurement Coordinator of an issue, exception, addition, or omission, such issue, exception, addition, or omission may be considered to be waived by the bidder for protest purposes.
 - If bidder inquiries result in changes to the Competitive Solicitation, written amendments will be issued and posted on WEBS.
 - Unauthorized bidder contact regarding this Competitive Solicitation with other state employees involved with the Competitive Solicitation may result in bidder disqualification.
- 4.3. **PRICING.** Bid prices must include all cost components needed for the goods and/or services as described in this Competitive Solicitation. *See Exhibit C – Bid Price.* A bidder's failure to identify all costs in a manner consistent with the instructions in this Competitive Solicitation is sufficient grounds for disqualification.
 - Inclusive Pricing: Bidders must identify and include all cost elements in their pricing. In the event that bidder is awarded a Contract, the total price for the goods and/or services shall be bidder's price as submitted. Except as provided in the Contract, there shall be no additional costs of any kind.

4.4. **BID SUBMITTAL CHECKLIST – REQUIRED BID SUBMITTALS.** This section identifies the bid submittals that must be provided to the Procurement Coordinator to constitute a responsive bid. The submittals must be delivered as set forth below. Bids that do not include the submittals identified below may be rejected as nonresponsive. In addition, a bidder’s failure to complete any submittal as instructed may result in the bid being rejected. Bidders may not provide unsolicited materials. For any supplemental materials expressly required by the Procurement Coordinator in writing, bidders must identify such supplemental materials with the bidder’s name.

EXHIBIT A-1 – BIDDER’S CERTIFICATION

This document is the Bidder’s Certification.

Complete the certification, along with any exceptions or required explanations, and submit it with the bid to the Procurement Coordinator

Note: The Certification must be complete. Where there are choices, bidder **must** check a box. The certification must be signed and submitted by a duly authorized representative for the bidder.

EXHIBIT A-2 – BIDDER’S PROFILE

This document is required bidder information for the awarding agency’s contract administration purposes.

Complete as instructed and submit it with the bid to the Procurement Coordinator.

EXHIBIT B – PERFORMANCE REQUIREMENTS

Bidder will need to confirm that bidder’s goods and/or services and/or bidder’s performance meets or exceeds the detailed specifications/qualifications set forth in **Exhibit B – Performance Requirements** and submit it with the bid to the Procurement Coordinator.

EXHIBIT C – BID PRICE

Bidder will need to complete the price worksheet tools as instructed in **Exhibit C – Bid Price** and submit it with the bid to the Procurement Coordinator.

EXHIBIT E – CONTRACT ISSUES LIST

This document is a required submittal IF bidder has business issues with **Exhibit D – Contract** that is substantially the same as the contract the bidder will be expected to sign. If so, bidder must complete and submit to the Procurement Coordinator.

Note, however, that the awarding agency reserves the right not to modify the Contract and to award the Contract on the basis of a bidder’s willingness to agree to the Contract.

EXHIBIT F – BIDDER’S DIVERSE BUSINESS INCLUSION PLAN – SUBCONTRACTORS. This exhibit is required **only** if Bidder will be using subcontractors to perform the Contract. If so, bidder must complete and submit to the Procurement Coordinator. This exhibit outlines the inclusion plan for diverse business subcontractors pertaining to the Contract.

- 4.5. **BID FORMAT.** Bids must be complete, legible, signed, and follow all instructions stated in the Competitive Solicitation (including the exhibits). Unless otherwise specified in writing by documents included with an electronic bid must be prepared in MS Word, MS Excel, or Adobe PDF. Where required to do so, bidders may sign using either a physical or electronic signature.
- 4.6. **SUBMITTING BIDS.** Bidder's electronic bid must be emailed to the Procurement Coordinator at the following email address: contractmanager@sao.wa.gov. *Note:* Bidder emails (including attachments) CANNOT exceed 30MB in size (emails that exceed 30 MB in size will not be delivered). Accordingly, Bidders are cautioned to keep email sizes to less than 25MB to ease delivery. Zipped files cannot be accepted. SAO will send an acknowledgement of bid receipt. Acknowledgement of bid receipt is not a determination on the bid's responsiveness. If bidder does not receive an acknowledgement within a reasonable time, it is the responsibility of the Bidder to contact SAO for acknowledgement of bid receipt.

SECTION 5 – COMPLAINT, DEBRIEF, & PROTEST REQUIREMENTS

This section details the applicable requirements for complaints, debriefs, and protests.

- 5.1. **COMPLAINTS.** This Competitive Solicitation offers a complaint period for bidders wishing to voice objections to this Competitive Solicitation. The complaint period ends five (5) business days before the bid due date. The complaint period is an opportunity to voice objections, raise concerns, or suggest changes that were not addressed during the Question & Answer Period or, if applicable, at the Pre-Bid Conference. Failure by the bidder to raise a complaint at this stage may waive its right for later consideration. The Procurement Coordinator will consider all complaints but is not required to modify or cancel the Competitive Solicitation. If bidder complaints result in changes to the Competitive Solicitation, written amendments to the Competitive Solicitation will be issued and posted on WEBS.
- a. **CRITERIA FOR COMPLAINT.** A complaint may be based only on one or more of the following grounds: (a) The Competitive Solicitation unnecessarily restricts competition; (b) The Competitive Solicitation evaluation or scoring process is unfair or flawed; or (c) The Competitive Solicitation requirements are inadequate or insufficient to prepare a response.
 - b. **INITIATING A COMPLAINT.** A complaint must: (a) Be submitted to and received by the Procurement Coordinator no less than five (5) business days prior to the deadline for bid submittal; and (b) Be in writing (see Form and Substance, and Other below). A complaint should clearly articulate the basis of the complaint and include a proposed remedy.
 - c. **RESPONSE.** When a complaint is received, the Procurement Coordinator (or designee) will consider all the facts available and respond in writing prior to the deadline for bid submittals, unless more time is needed. The Procurement Coordinator is required to promptly post the response to a complaint on WEBS.
 - d. **RESPONSE IS FINAL.** The Procurement Coordinator's response to the complaint is final and not subject to administrative appeal. Issues raised in a complaint may not be raised again during the protest period. Furthermore, any issue, exception, addition, or omission not brought to the attention of the Procurement Coordinator prior to bid submittal may be deemed waived for protest purposes.

5.2. **DEBRIEF CONFERENCES.** A Debrief Conference is an opportunity for a bidder and the awarding agency, through the Procurement Coordinator, to meet and discuss the bidder's bid (and, as further explained below, is a necessary prerequisite to filing a protest). Following the bid evaluation, the Procurement Coordinator will issue an ASB announcement. The ASB announcement may be made by any means, but the Procurement Coordinator likely will use email to the bidder's email address provided in the Bidder's Profile. Bidders will have three (3) business days to request a Debrief Conference, if desired. If a Debrief Conference is timely requested, the Procurement Coordinator will offer the requesting bidder one meeting opportunity and notify the bidder of the Debrief Conference place, date, and time. Please note, because the debrief process must occur before making an award, the Procurement Coordinator likely will schedule the Debrief Conference shortly after the ASB announcement and the bidder's request for a Debrief Conference. The Procurement Coordinator will not allow the debrief process to delay the Contract award. Accordingly, bidders should plan for contingencies and alternate representatives. **Bidders who wish to protest must first participate in a Debrief Conference. Bidders who are unwilling or unable to attend the Debrief Conference will lose the opportunity to protest. A debrief is a required prerequisite for a bidder wishing to file a protest.**

- a. **TIMING.** A Debrief Conference may be requested by a bidder following the Apparent Successful Bidder (ASB) announcement.
- b. **PURPOSE OF DEBRIEF CONFERENCE.** Any bidder who has submitted a timely bid response may request a Debrief Conference (see also Section 5.4 below). A Debrief Conference provides an opportunity for the bidder to meet with the awarding agency, through the Procurement Coordinator, to discuss bidder's bid and evaluation. It does not provide an opportunity to discuss other bids and evaluations.
- c. **REQUESTING A DEBRIEF CONFERENCE.** The request for a Debrief Conference must be made in writing via email to the Procurement Coordinator and received within three (3) business days after the ASB announcement. Debrief conferences will be conducted virtually (e.g., by telephone or web-based virtual meeting such as MS Teams), as determined by the Procurement Coordinator, and may be limited by the Procurement Coordinator to a specified period of time. A bidder's failure to request a Debrief Conference within the specified time and attend the Debrief Conference constitutes a waiver of the right to submit a protest. Any issue, exception, addition, or omission not brought to the attention of the procurement coordinator before or during the Debrief Conference may be deemed waived for protest purposes.

5.3. **PROTESTS.** Following a Debrief Conference, a bidder may protest the award of a Contract.

- a. **CRITERIA FOR A PROTEST.** A protest may be based only on one or more of the following: (a) Bias, discrimination, or conflict of interest on the part of an evaluator; (b) Error in computing evaluation scores; or (c) Non-compliance with any procedures described in the Competitive Solicitation.
- b. **INITIATING A PROTEST.** Any bidder may protest an award to the ASB. A protest must: (a) Be submitted to and received by the Protest Officer specified below, within five (5) business days after the protesting bidder's Debriefing Conference (see also Section 5.4 below); (b) Be in writing; (c) Include a specific and complete statement of facts forming the basis of the protest; and (d) Include a description of the relief or corrective action requested.

- c. **PROTEST RESPONSE.** After reviewing the protest and available facts, SAO's Protest Officer will issue a written response within ten (10) business days from receipt of the protest, unless additional time is needed.
 - d. **DECISION IS FINAL.** The protest decision is final and not subject to administrative appeal. If the protesting bidder does not accept SAO's protest response, the bidder may seek relief in Thurston County Superior Court.
- 5.4. **COMMUNICATION DURING COMPLAINTS, DEBRIEFS, AND PROTESTS.** With the exception of protests, all communications about this Competitive Solicitation, including complaints and debriefs, must be addressed to the Procurement Coordinator unless otherwise directed. Protests must be addressed to the Protest Officer.
- a. **FORM, SUBSTANCE, & OTHER.** All complaints, debrief conference requests, and protests must:
 - i. Be in writing;
 - ii. Be signed by the complaining, requesting, or protesting bidder or an authorized agent;
 - iii. Be delivered within the time frame(s) outlined herein;
 - iv. Identify the Competitive solicitation number;
 - v. Conspicuously state "Complaint," "Debrief," or "Protest" in any subject line of any correspondence or email; and
 - vi. Be sent to the address identified below.
 - b. **COMPLAINTS & PROTESTS.** All complaints and protests must (a) State all facts and arguments on which the complaining or protesting bidder is relying as the basis for its action; and (b) Include any relevant documentation or other supporting evidence.

5.5. **HOW TO CONTACT SAO.**

- a. **TO SUBMIT A COMPLAINT.** Send an email message to the Procurement Coordinator listed in this Competitive Solicitation (*see* Section 1.2, above). The email message must include "Complaint" in the subject line of the email message. Alternatively, mail the complaint to the Procurement Coordinator listed in this Competitive Solicitation at the following address:

Attn: Procurement Coordinator – Complaint
Office of the Washington State Auditor
P.O. Box 40031
Olympia, WA 98501-0031
- b. **TO REQUEST A DEBRIEF CONFERENCE.** Send an email message to the Procurement Coordinator listed in this Competitive Solicitation (*see* Section 1.2, above). The email message must include "Debrief" in the subject line of the email message.
- c. **TO SUBMIT A PROTEST.** Send an email message to the Protest Officer at the following email address: janel.roper@sao.wa.gov. The email message must include "Protest" and the Solicitation number in the subject line of the email message. Alternatively, mail the protest to the Protest Officer at the following address:

Attn: Protest Officer
Office of the Washington State Auditor
P.O. Box 40031
Olympia, WA 98501-0031

SECTION 6 – DOING BUSINESS WITH THE STATE OF WASHINGTON

This section provides additional information regarding Washington’s Public Records Act and doing business with the State of Washington, including SAO’s efforts to enable Washington’s small, diverse, and veteran-owned businesses to compete for and participate in state procurements for goods/services.

6.1. WASHINGTON’S PUBLIC RECORDS ACT – PUBLIC RECORDS DISCLOSURE REQUESTS.

- All documents (written and electronic) submitted as part of this procurement are public records. Unless statutorily exempt from disclosure, such records are subject to disclosure *if* requested. See [RCW 42.56](#), Public Records Act. Bidders are strongly discouraged from unnecessarily submitting sensitive information (e.g., information that bidder might categorize as ‘confidential,’ ‘proprietary,’ ‘sensitive,’ ‘trade secret,’ etc.).
 - If, in bidder’s judgment, Washington’s Public Records Act provides an applicable statutory exemption from disclosure for certain portions of bidder’s bid, please mark the precise portion(s) of the relevant page(s) of the bid that bidder believes are statutorily exempt from disclosure and identify the precise statutory basis for exemption from disclosure.
 - In addition, if, in bidder’s judgment, certain portions of bidder’s bid are not statutorily exempt from disclosure but are sensitive because these particular portions of bidder’s bid (NOT including pricing) include highly confidential, proprietary, or trade secret information (or the equivalent) that bidder protects through the regular use of confidentiality or similar agreements and routine enforcements through court enforcement actions, please mark the precise portion(s) of the relevant page(s) of bidder’s bid that include such sensitive information.
- In the event that the awarding agency receives a public records disclosure request pertaining to information that bidder has submitted and marked either as (a) statutorily exempt from disclosure; or (b) sensitive, the awarding agency, prior to disclosure, will do the following:
 - The awarding agency’s Public Records Officer will review any records marked by the bidder as statutorily exempt from disclosure. In those situations, where the designation comports with the stated statutory exemption from disclosure, the awarding agency will redact or withhold the document(s) as appropriate.

- For documents marked ‘sensitive’ or for documents where the awarding agency either determines that no statutory exemption to disclosure applies or is unable to determine whether the stated statutory exemption to disclosure properly applies, the awarding agency will notify bidder, at the address provided in the bid submittal, of the public records disclosure request and identify the date that the awarding agency intends to release the document(s) (including documents marked ‘sensitive’ or exempt from disclosure) to the requester unless the bidder, at bidder’s sole expense, timely obtains a court order enjoining the awarding agency from such disclosure. In the event the bidder fails to timely file a motion for a court order enjoining such disclosure, the awarding agency will release the requested document(s) on the date specified. Bidder’s failure properly to identify exempted or sensitive information and timely respond after notice of request for public disclosure has been given shall be deemed a waiver by bidder of any claim that such materials are exempt or protected from disclosure.

6.2. **SMALL & DIVERSE BUSINESSES.** The awarding agency, in accordance with Washington law, encourages small and diverse businesses to compete for and participate in state procurements as contractors and as subcontractors to awarded bidders. See, e.g., [RCW 39.19](#) (OMWBE certified businesses); [RCW 43.60A.200](#) (WDVA certified veteran-owned businesses); and [RCW 39.26.005](#) (Washington small businesses).

- **OMWBE CERTIFICATION.** Bidders may contact the Washington State [Office of Minority and Women’s Business Enterprises](#) (OMWBE) regarding information on Minority-Owned and Women-Owned certified firms, state and federal certification programs, or to become certified. OMWBE can be reached by telephone, 866-208-1064, or through their website at [OMWBE](#). OMWBE-Certified firms may provide their certification information on **Exhibit A-2 – Bidder’s Profile**.
- **WDVA CERTIFICATION.** Bidders may contact the [Washington State Department of Veterans’ Affairs](#) (WDVA) for information regarding Certified Veteran-Owned businesses or to become a Certified Veteran-Owned Business. The WDVA can be reached by telephone, (360) 725-2169, or through their website at [WDVA](#). The qualification requirements to be a Certified Veteran-Owned Business are set forth in **Exhibit A-1 – Bidder’s Certification**.
- **WASHINGTON SMALL BUSINESSES.** Bidders may contact SAO about small and diverse business inclusion and qualification as a Washington Small Business. If you qualify as a Washington Small Business, identify yourself as such in WEBS. Call WEBS Customer Service at 360-902-7400. The qualification requirements to self-certify as a Washington Small Business are set forth in **Exhibit A-1 – Bidder’s Certification**.

6.3. **ACCESS EQUITY CONTRACT REPORTING.** Bidders who are awarded a Contract (i.e., Contractor) pursuant to this Competitive Solicitation and who utilize subcontractors to perform such Contract must, as a condition of Contract award, register and report, as Contractor, through

Access Equity, Washington's secure online business diversity vendor management system (B2GNow), which is managed by Washington's Office of Minority and Women's Business Enterprises (OMWBE). Accordingly, please note:

- Regardless of whether Contractor previously has registered with B2GNow for any public entity, Contractor must verify that *Access Equity* has current information.
- During the Contract term, Contractor shall report monthly through *Access Equity* any payments to subcontractors pertaining to the Contract. Such reporting shall include total payment in dollars made to subcontractors, payment dates, and any additional information required to verify payment to subcontractors.
- Subcontractors must utilize *Access Equity* to verify such payment information as reported by Contractor.
- Information regarding *Access Equity* is available at OMWBE's website: <https://omwbe.wa.gov/>. Online training for *Access Equity* is available through OMWBE.

6.4. **WEBS REGISTRATION.** Individuals and firms interested in state contracting opportunities with the awarding agency or any state agency should register for competitive solicitation notices at the Washington Electronic Business Solution (WEBS) [WEBS Registration](#). *Note:* There is no cost to register on WEBS.

INCLUDED EXHIBITS

EXHIBIT A-1 – BIDDER’S CERTIFICATION

See attached *Exhibit A-1 – Bidder’s Certification*.

Note: As set forth above, Bidder must complete, sign, and return the Bidder’s Certification to the Procurement Coordinator.

EXHIBIT A2 – BIDDER’S PROFILE

See attached *Exhibit A-2 – Bidder’s Profile*.

Note: As set forth above, Bidder must complete and return the Bidder’s Profile to the Procurement Coordinator.

EXHIBIT B – MANDATORY PERFORMANCE REQUIREMENTS

See attached *Exhibit B – Performance Requirements*.

EXHIBIT C – BID PRICE

See attached *Exhibit C – Bid Price*.

Note: As set forth above, Bidder must complete and return *Exhibit C – Bid Price* to the Procurement Coordinator.

EXHIBIT D – CONTRACT

See attached *Exhibit D – Contract* for Competitive Solicitation No. K727 – Advisory Services for Special Education.

EXHIBIT D1 – BIDDER’S CONTRACT ISSUES LIST (IF APPLICABLE)

See attached *Exhibit D1 – Bidder’s Contract Issues List*.

Note: As set forth above, Bidder must complete and return *Exhibit D1 – Bidder’s Contract Issues List* to the Procurement Coordinator if bidder has any issues with the Contract set forth as *Exhibit D – Contract*.

EXHIBIT E – BIDDER’S DIVERSE BUSINESS INCLUSION PLAN – SUBCONTRACTORS

See attached *Exhibit E – Bidder’s Diverse Business Inclusion Plan – Subcontractors*.

Note: As set forth above, Bidder must complete and return *Exhibit E – Diverse Business Inclusion Plan – Subcontractors* to the Procurement Coordinator *if* bidder intends to utilize subcontractors if awarded a Contract.